

Revision: HCFA-PM-95-4 (HSQB)
JUNE 1995

Attachment 4.35-E

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: WYOMING

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Civil Money Penalty: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

X Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

TN No. 00-005

Supersedes

DATE: 01/01/00

Approval Date 06/05/00

Effective Date 04/01/00

**ALTERNATIVE REMEDIES FOR WYOMING MEDICAID
STATE PLAN AMENDMENT - ATTACHMENT 4.35-E, Page 1
Wyoming Alternatives to Civil Monetary Penalties**

**Alternative 1. Denial of the Federal Share of Medicaid Payment for Affected Residents
(Category 2)**

Definition:

The State Medicaid Agency may withhold the federal share of a facility's established per diem rate for each resident affected by the deficiency(ies).

When will remedy apply:

This is a Wyoming alternative remedy to Civil Money Penalties and may be imposed when category 2 remedies are either required or are an option.

How will the remedy be effective:

The remedy is effective in that it corresponds to the imposition of CMP at the \$50-\$3000 level. No money withheld under imposition of this remedy will be payable to the provider for any time periods that the provider is not in substantial compliance. The provider may not bill for and receive these payments at a later date. In recommending this remedy, the survey agency will follow the procedures of the State Operations Manual as applicable.

Authorization:

This remedy is included in Chapter 5, Medicaid Long Term Care Facility Remedies/Terminations, of the Wyoming Medicaid Rules.

**Alternative 2. Denial of the Federal Share of Medicaid Payment for all Medicaid Residents
(Category 3)**

Definition:

The State Medicaid Agency may withhold the federal share of a facility's established per diem rate for all Medicaid residents.

When will remedy apply:

This is a Wyoming alternative remedy to Civil Money Penalties and may be imposed when category 3 remedies are either required or are an option.

How will the remedy be effective:

The remedy is effective in that it corresponds to the imposition of CMP at the \$3050-\$10,000 level. No money withheld under imposition of this remedy will be payable to the provider for any time periods that the provider is not in substantial compliance. The provider may not bill for and receive these payments at a later date. In recommending this remedy, the survey agency will follow the procedures of the State Operations Manual as applicable.

Authorization:

This remedy is included in Chapter 5, Medicaid Long Term Care Facility Remedies/Terminations, of the Wyoming Medicaid Rules.

Transmittal No. 95-012
Date Approved 12/12/95
Effective Date 07/01/95
Supersedes Transmittal NEW

Alternative 3. Denial of Fifty Percent (50%) of the State Share of Medicaid Payment for Affected Residents (Category 2)

Definition:

The State Medicaid Agency may withhold, in addition to the federal share, 50% of the state share of the facility's established per diem rate for each resident affected by the deficiency(ies).

When will remedy apply:

This is a Wyoming alternative remedy to Civil Money Penalties and may be imposed in addition to Alternative 1 when category 2 remedies are either required or are an option.

How will the remedy be effective:

The remedy is effective in that it corresponds to the imposition of CMP at the \$50-\$3000 level. No money withheld under imposition of this remedy will be payable to the provider for any time periods that the provider is not in substantial compliance. The provider may not bill for and receive these payments at a later date. In recommending this remedy, the survey agency will follow the procedures of the State Operations Manual as applicable.

Authorization:

This remedy is included in Chapter 5, Medicaid Long Term Care Facility Remedies/Terminations, of the Wyoming Medicaid Rules.

Alternative 4. Denial of Fifty Percent (50%) of the State Share of Medicaid Payment for all Medicaid Residents (Category 3)

Definition:

The State Medicaid Agency may withhold, in addition to the federal share, 50% of the state share of the facility's established per diem rate for all Medicaid residents.

When will remedy apply:

This is a Wyoming alternative remedy to Civil Money Penalties and may be imposed in addition to Alternative 2 when category 3 remedies are either required or are an option.

How will the remedy be effective:

The remedy is effective in that it corresponds to the imposition of CMP at the \$3050-\$10,000 level. No money withheld under imposition of this remedy will be payable to the provider for any time periods that the provider is not in substantial compliance. The provider may not bill for and receive these payments at a later date. In recommending this remedy, the survey agency will follow the procedures of the State Operations Manual as applicable.

Authorization:

This remedy is included in Chapter 5, Medicaid Long Term Care Facility Remedies/Terminations, of the Wyoming Medicaid Rules.

TRANSMITTAL NO. 95-012
 Date Approved 12/12/95
 Effective Date 07/01/95
 Supersedes Transmittal NEW

Alternative 5. Resident Reimbursement**Definition:**

The State Medicaid Agency shall require the facility to directly reimburse residents for personal funds or property lost at a facility as a result of actions by the facility or by individuals in the employ of the facility.

When will remedy apply:

This remedy is Wyoming alternative remedy to Civil Money Penalties and may be imposed as a category 2 remedies when one or more deficiencies is cited to demonstrate the loss of resident funds or property.

How will the remedy be effective:

The remedy will affect the provider more directly than assessing civil money penalties and using those monies for reimbursement of resident losses. By making direct out-of-pocket payment for these losses, the provider will experience the direct consequences of its actions by its failure to safeguard the funds and property of its residents.

Authorization:

This remedy is included in Chapter 5, Medicaid Long Term Care Facility Remedies/Terminations, of the Wyoming Medicaid Rules.

Alternative 6. Transfer Cost Assessment**Definition:**

The State Medicaid Agency shall require the facility to directly assume the full cost of the transfer of residents if transfer or closure with transfer is imposed as a remedy.

When will remedy apply:

This remedy is a Wyoming alternative remedy to Civil Money Penalties and will be imposed as a category 3 remedy when transfer of residents or closure with transfer of residents is imposed as a remedy.

How will the remedy be effective:

The Medicaid agency will bill the provider directly for all costs incurred by the State for the transfer of residents. The remedy will affect the provider more directly than assessing civil money penalties and using those monies to defray the costs of resident transfer. By making direct out-of-pocket payment for transfer costs, the provider will experience the direct results of its actions by its failure to remain in substantial compliance.

Authorization:

This remedy is included in Chapter 5, Medicaid Long Term Care Facility Remedies/Terminations, of the Wyoming Medicaid Rules.

TRANSITION NO. 95-013
 Date Approved 12/12/95
 Effective Date 07/01/95
 Supervising Transmittal NEW